

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

John G. Berg

Petitioner

VS.

Delaware County Probation Department

Respondent

: No. 2:19-cv-01275-MSG

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**PETITIONER’S OBJECTIONS TO THE REPORT AND RECOMMENDATION OF
THE MAGISTRATE**

1. Petitioner respectfully objects, in an abundance of caution, to the Magistrate’s holding that this matter should be dismissed because Petitioner has not yet exhausted his state court claims. Petitioner specifically requested in his Petition that this matter be STAYED pending the resolution of the state court litigation. The instant Petition was filed while Petitioner was still “in custody.” Were the instant Petition to be dismissed, Petitioner would have to file a subsequent federal habeas petition after his “custody” had ended, thus calling into question whether the federal court would have jurisdiction to hear his claim. Consequently, Petitioner respectfully avers that the appropriate way to address this matter is to simply stay these proceedings until the state court litigation ends, and then resume the matter after such litigation

has concluded. This would protect Petitioner's federal rights to due process.

RESPECTFULLY SUBMITTED:

_____/s/ **Todd M. Mosser**_____
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2/4/20

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties via the e-filing system.

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